

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

- - -

PETROCHOICE HOLDINGS, : CIVIL ACTION  
INC., :  
Plaintiff, :  
v. :  
FRANCIS S. OROBONO, JR., : NUMBER  
Defendant. : 2:19-CV-06152

- - -

Wednesday, February 24, 2021

This document contains  
"Attorneys' Eyes Only" Information

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Oral deposition of SCOTT WILLIAM  
WILLIAMS, taken remotely via Zoom, at Myers,  
Brier & Kelly, LLP, 425 Spruce Street,  
Suite 200, Scranton, Pennsylvania 18503,  
beginning at 10:40 a.m., reported  
stenographically by Cheryl L. Goldfarb, a  
Registered Professional Reporter, Notary  
Public, and an approved reporter of the United  
States District Court.

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VERITEXT LEGAL SOLUTIONS  
MID-ATLANTIC REGION  
1801 Market Street - Suite 1800  
Philadelphia, Pennsylvania 19103

1                   Q.           Does Fran have any ownership  
2 interest in Jack Williams Tire?

3                   A.           No.

4                   Q.           Has he ever had an ownership  
5 interest?

6                   A.           No.

7                   Q.           Is he a W-2 employee?

8                   A.           Yes.

9                   Q.           The compensation that was set  
10 for him at the outset of his employment in  
11 October of 2018, has that changed since that  
12 time?

13                  A.           His base compensation, as I  
14 recall, has not changed. His bonus calculation  
15 fluctuates based on the performance of the  
16 company, so that portion would have changed,  
17 but based on a predeterminate calculation,  
18 formula.

19                  Q.           And has that formula changed --

20                  A.           No.

21                  Q.           -- since the outset of his  
22 employment?

23                  A.           No.

24                  Q.           All right. Is Jack Williams

1       Tire a distributor of automotive chemical  
2       products and services?

3               A.           Yes.

4               Q.           For what manufacturer is JWT a  
5       distributor?

6               A.           Currently, we are a distributor  
7       for the Wynn's product line.

8               Q.           When did JWT first become a  
9       distributor for the Wynn's product line?

10              A.           For the Wynn's product line?  
11       I'm trying to put a date on it, but I think  
12       that was sometime in 2019.

13              Q.           Okay.

14              A.           That's a guess.

15              Q.           In 2019, okay.

16                            Do you remember what time of  
17       year?

18              A.           I think it was the second half  
19       of the year. But I -- you know, I can't put an  
20       exact date on it. It just kind of -- I know it  
21       was in that year. We've always been a  
22       distributor for those types of products. We  
23       simply made a move over to Wynn's at some point  
24       in 2019.

1                   Q.           And how many times have you  
2 talked to Michael Solitt?

3                   A.           A number of times.

4                   Q.           About the same topic.

5                   A.           Yes, the same topic, at least  
6 six or seven times.

7                   Q.           And what were the substance of  
8 those conversations?

9                   A.           The conversation really  
10 surrounded the basis of the lawsuit and how it  
11 relates to the Wynn's product line.

12                  Q.           You know, you said they  
13 expressed their concern with Jack Williams  
14 being a competitor with the Wynn's line of  
15 products.

16                               Did you come to any type of  
17 arrangement or agreement to quell that concern?

18                  A.           To quell the concern, no. I  
19 don't -- well, I think they're always willing  
20 to be concerned that we are a competitor. But  
21 we do have an arrangement that allows us to  
22 continue to sell the Wynn's product line. They  
23 provided us a list of customers.

24                               MS. DREYER: I would object to

1 repeat the question again? It just  
2 glitched for me for a second.

3 MS. DREYER: Yes, sure.

4 BY MS. DREYER:

5 Q. I said do you recall Mr. Myers  
6 ever contacting you about assisting Valvoline  
7 in connection with testing reels and pumping  
8 equipment at CJ's Tires in Lansdale,  
9 Pennsylvania?

10 MR. DEMPSEY: Objection to form.

11 A. I don't recall that  
12 specifically, no.

13 BY MS. DREYER:

14 Q. Did Mr. Orobono ever ask you for  
15 the green light to place the initial Kennedy  
16 order?

17 A. Yeah. Yes.

18 Q. Are you aware of whether  
19 Mr. Orobono ever met with a company called MCNi  
20 to discuss software solutions in connection  
21 with Wynn's direct and distributor channel?

22 A. No. I'm familiar with MCNi, but  
23 I don't know of a meeting.

24 Q. What's MCNi or what's your

1 the beginning to middle of 2019, as we were  
2 starting to draw the deal to a close.

3 MS. DREYER: Let me confer with  
4 my co-counsel, Mr. Olafson, who is off  
5 camera, but in this room. Just give me a  
6 few minutes. It shouldn't be long.

7 THE WITNESS: Okay.

8 MS. DREYER: But I'm almost  
9 done.

10 THE WITNESS: No problem.

11 - - -

12 (Whereupon, a recess was taken  
13 from 1:53 p.m. to 1:56 p.m.)

14 - - -

15 MS. DREYER: I have no further  
16 questions. Thank you so much for your  
17 time, Mr. Williams.

18 MS. ALLEN: I just have one or  
19 two follow-up, real quick.

20 - - -

21 FURTHER EXAMINATION

22 - - -

23 BY MS. ALLEN:

24 Q. Mr. Williams, you testified yes

1 to the question that Fran had asked you for the  
2 green light to place the initial Kennedy order,  
3 correct?

4 A. Yes.

5 Q. Was that before or after the  
6 Kennedy Group had decided to switch automotive  
7 chemical suppliers?

8 A. I honestly can't remember if  
9 that was a Kennedy order or simply opening  
10 order, because we do carry inventory on that.  
11 I don't know if that was slated to go right  
12 into Kennedy or if that was simply going on our  
13 shelves.

14 But Fran would have been  
15 responsible, as with any product line that we  
16 have, to look at the opening inventory, approve  
17 the opening order, things like that, and then I  
18 would give final sign-off.

19 Q. Would that have been after Ed  
20 Yates had secured the Kennedy Group account?

21 A. I can't honestly answer that. I  
22 don't know the date.

23 Q. You testified that you had had a  
24 conversation, I believe, with Rob Walker,